

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES HINOTE, deceased, )  
Plaintiff, ) No. CV-03-3177-CI  
v. ) ORDER GRANTING  
MICHAEL J. ASTRUE, ) MOTION TO VACATE  
Commissioner of Social )  
Security,<sup>1</sup> )  
Defendant. )

Upon Plaintiff's Motion to vacate the Order awarding attorney's fees pursuant to EAJA and costs, Defendant having no objection to said Motion;

**IT IS ORDERED** that said Motion (**Ct. Rec. 28**) is **GRANTED**, and the Order awarding EAJA fees is hereby vacated;

**IT IS FURTHER ORDERED**, that counsel for Plaintiff reimburse the Defendant by issuing a check refunding the EAJA fees, payable to the Social Security Administration in the amount of \$4,942.76, and a second check refunding the costs in the amount of \$242.20, payable

<sup>1</sup> Michael J. Astrue is now Acting Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d)(1), Commissioner Astrue is substituted as Defendant, and the Clerk is directed to change the record accordingly.

1 to the United States Department of Justice. Both checks should be  
2 mailed to the Defendant at the following address: 701 Fifth Avenue,  
3 M/S 901, Seattle, WA 98104.

4 DATED February 6, 2009.

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6 S/ CYNTHIA IMBROGNO  
7 UNITED STATES MAGISTRATE JUDGE  
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